

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, August 25, 2005

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, August 25, 2005, at 3:00 p.m., at Our Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Erminia Ramirez
Jim Holley **(ABS)**
Willie Hampton **(ABS)**
Arthur Blackwell, II
Mohamed Okdie

Department Personnel Present

Chief Ella Bully-Cummings
AC. Walter Martin
DC. Chester Logan
Insp. Wilson-Turner
Insp. Duane McKissic
Insp. Jamie Fields
Insp. John Autry
Insp. Cathy Adams
Insp. Hope Facen-Berry
Lt. John Serda
Lt. Stephen White
Lt. Donna Jarvis
Lt. Jeff Romeo
Lt. Donald Hudson
Lt. Taryn Foreman
Lt. Gerald Hankins
Lt. Robert Ennis
Sgt. Brenda Williams
Sgt. Joanna Ali-Johnson
Sgt. Melanie Thompson
Sgt. Brandon Lewis
Sgt. Kimberly Bennet
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
Lawana Ducker, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator

Ainsley Cromwell, Supervising Investigator

OTHERS PRESENT

Ron Scott
Odell Johnson
Ms. Walters

RECORDERS

John Schikora
Robert Brown

1. CALL TO ORDER

Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 3:11p.m.

2. APPROVAL OF MINUTES

- Thursday, August 25, 2005

MOTION: **Comm. Blackwell** made the motion to approve the above minutes.

SECOND: **Comm. Okdie** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

There was no report from the Chairperson for this meeting.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

SUSPENSION

On November 12, 2003, the Professional Accountability Bureau, Internal Affairs Section, was notified by the Wayne County Prosecutor's Office of an allegation of misconduct on the part of Police Officer Donald Williams and his partner Police Officer Kevin Zarosly. More specifically, the allegation concerned the falsification of a Preliminary Complaint Record. As a result, the Wayne County Prosecutor's Office and the Internal Affairs Section initiated an investigation.

The investigation revealed the following:

On October 9, 2003, Officer Williams and Officer Zarosly were on duty in plain clothes and operating an unmarked Detroit Police Department vehicle. At approximately 10:30 p.m., they responded to a police run at a residence located on Sussex Street within the City of Detroit concerning a person with a weapon.

According to the Preliminary Complaint Record (hereinafter PCR) filed by Officer Williams and Officer Zarosly relative to the incident, when they arrived at the scene, they spoke to the complainant who advised the officers that the person sitting in the Chevrolet Suburban 2002 that was parked in the driveway of that location was the person who pointed a gun at him and that they were arguing over One hundred Dollars (\$100.00). The officers then stated in their PCR that they approached the vehicle and conducted a Terry search of the occupant (hereinafter defendant). In so doing, the officers noticed suspected narcotics in plain view located on the center console. A laboratory analysis confirmed that the substance was cocaine with a weight of 3.77 grams. A felony warrant was then issued for the defendant charging him with possession of a controlled substance less than twenty-five (25) grams.

On October 29, 2003, the case was scheduled for preliminary examination in the State of Michigan Thirty-Sixth District Court. At that time, Officer Williams appeared and advised the Assistant Wayne County Prosecuting Attorney (hereinafter APA) that he was unable to testify consistent with the information

provided in the PCR in that the incident did not occur as reported. Rather, Officer Williams advised the APA that when he and Officer Zarosly arrived at the scene of the incident the defendant was not present; that as the officers were leaving the scene of the incident they heard a vehicle start with loud music emanating therefrom; that they then approached the defendant; and that they observed a bag of crack cocaine through the window.

On November 25, 2003, the defendant was interviewed under an investigative subpoena by the Wayne County Prosecutor's Office. At that time, the defendant stated that he was sitting in his truck and that when he turned on the radio, the officers walked up to his truck and pulled a sandwich bag containing cocaine from the inside of the console of the truck.

As a result of the Internal Affairs investigation, on July 22, 2004, a two (2) count felony warrant was issued against Officer Williams and Officer Zarosly for Misconduct in Office and False Felony Report, contrary to 750.505 and 750.411a, respectively. Misconduct in Office is a felony punishable by imprisonment for not more than five (5) years and/or a fine of not more than Ten thousand Dollars (\$10,000.00). False Police Report-Felony is a felony punishable by imprisonment for not more than four (4) years and/or a fine of Two thousand Dollars (\$2,000.00).

On July 29, 2004, the duty status of Officer Zarosly and Officer Williams was suspended without pay with the concurrence of the Board of Police Commissioners.

On August 24, 2004, the criminal case against Officer Williams and Officer Zarosly proceeded to preliminary examination in the State of Michigan Thirty-Sixth District Court, Judge David Bradfield presiding. At that time, Judge Bradfield dismissed the charges against Officer Williams and Officer Zarosly.

Thereafter, Officer Williams and Officer Zarosly were reinstated to the Detroit Police Department. Also, the Wayne County Prosecutor's Office appealed Judge Bradfield's decision to the Wayne County Circuit Court.

On July 18, 2005, the Wayne County Circuit Court reversed Judge Bradfield's decision and remanded the case to the State of Michigan Thirty-Sixth District Court for preliminary examination.

On August 17, 2005, the case proceeded to preliminary examination before Judge Bradfield. At that time, the case against Officer Zarosly and Officer Williams was bound over to Wayne County Circuit Court for trial. Both Officer Zarosly and Officer Williams were released on a personal bond of thirty thousand dollars (\$30,000.00).

Based on the above circumstances, it is recommended that Officer Williams and Officer Zarosly be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE 2003 DETROIT POLICE DEPARTMENT MANUAL SERIES 100, DIRECTIVE 102.3 - 5.7, CONDUCT, UNPROFESSIONAL, COMMAND 3.

Due to the seriousness of the conduct, I am requesting your concurrence with the suspension of Officer Williams and Officer Zarosly WITHOUT PAY, effective August 25, 2005.

Exec. Dir. Goss asked if there is anyone on behalf of Officer Williams and Officer Zarosly.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2005 - Weekly Count of Complaints:	23	990
2004 - Weekly Count of Complaints:	27	1096

- The Office of the Chief Investigator (OCI) closed a total of **15** cases this week.
- The Office of the Chief Investigator submitted **0** cases to the Chief's Office.
- The Chief's Office has reviewed and returned **0** cases to OCI.

5. REPORT/PRESENTATION-CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

**REPORT TO THE
BOARD OF POLICE COMMISSIONERS**

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

THE NARCOTICS ENFORCEMENT AND CONSPIRACY UNITS

During the period of August 15th – August 21st, the Narcotics Enforcement and Conspiracy Units conducted 34 search warrants and 51 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 38 Felony arrests
- ◆ 158 Misdemeanor arrests
- ◆ 3 Juveniles detained
- ◆ 67.7 Grams of cocaine, 26.6 grams of heroin, 33,104 grams of marijuana and 42 pills - street value \$207,796.00
- ◆ \$10,411.00 U.S. currency

Confiscated:

- ◆ 11 Hand guns
- ◆ 1 Vehicles

HOMICIDE SECTION

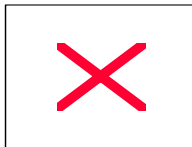
On August 19th, officers from the Homicide Section responded to the 12000 block of Sorrento on a "Person Shot" run. An investigation revealed that two (2) men drove to this location and while a party was going on inside, fired several shots into the home.

Once the identities of the two (2) men were discovered an argument ensued leading up to a foot chase and physical altercation and finally the fatal shooting of one (1) man. As a result of an investigation two (2) men were arrested without incident for "Murder First

Degree - Premeditated", "Felon in Possession of a Firearm", "Felony Firearm" and "Habitual 4th Offense."

THE VIOLENT CRIMES TASK FORCE

On August 15th, officers from the Violent Crimes Task Force responded to the 7000 block of Lawton to execute an arrest warrant on a man wanted for the fatal shooting of another man on August 14th. The Violent Crimes Task Force setup stationary surveillance on the home and arrested the wanted man without incident.



Police/Community Intervention

TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated
Year-To-Date
2,594

THIRD PRECINCT

On August 20th, officers of the 3rd Precinct responded to the 7000 block of Senator on a "Shots Fired" run. An investigation revealed that a man and a woman drove by the location earlier and made verbal threats to the homeowner. A short while later, the couple returned and fired numerous shots into the man's home. As a result of this investigation the man and woman were arrested without incident. Confiscated were two (2) handguns.

SIXTH PRECINCT

On August 17th, officers of the 6th Precinct while on patrol in the area of Dover and Evergreen, observed a vehicle turn without using a turn signal. The officers initiated a traffic stop and subsequent to an investigation one (1) man was arrested for "Carrying

Concealed Weapon – Motor Vehicle." Confiscated was one (1) handgun loaded with armor piercing rounds. Further investigation supported a search warrant for the man's

home in the 12000 block of Patton, which resulted in the confiscation of a second handgun.

EIGHTH PRECINCT

On August 20th, officers of the 8th Precinct, while on patrol in the area of Archdale and Fargo, observed a vehicle traveling northbound on Archdale without taillights. As a result of an investigation one (1) man was arrested for "Carrying Concealed Weapon – Motor Vehicle." Confiscated was one (1) handgun and one (1) bullet proof vest.

TWELFTH PRECINCT

On August 21st, officers of the 12th Precinct, while on patrol in the area of Ellsworth and Cherrylawn, observed a vehicle traveling at a high rate of speed. Subsequent to an investigation one (1) man was arrested without incident for "No Operator's Permit in Possession" and "Carrying Concealed Weapon – Motor Vehicle." Confiscated was one (1) handgun.

SPECIAL RESPONSE TEAM

On August 19th, officers of the Special Response Team, (S.R.T.) in a combined effort with Grosse Pointe Police Special Weapons and Tactics (S.W.A.T.) team, executed an arrest warrant in the 1500 block of Parkview in the city of Detroit. As a result of their efforts five (5) men were arrested for their involvement in the fatal shooting of a man earlier this month.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – RISK MANAGEMENT BUREAU

Chief Bully-Cummings stated that Deputy Chief Chester Logan will be presenting the presentation and introducing his staff.

DC Chester Logan gave the following PowerPoint presentation:

(SEE ATTACHMENT)

QUESTIONS AND ANSWERS

Chairperson Ramirez asked you stated that we will see the fruit from the planting of these seed in two or three years are there something in place now.

DC Logan stated yes ma'am. You have a number of things that I will be touching on later in my presentation.

Chairperson Ramirez stated to DC Logan that she appreciated him for doing the presentation. She was hoping that he could have presented a little more for the Commissioner Okdie. Whomever you may assign to do a one on one with Commissioner Okdie will give him an in-depth overview of the Risk Management Bureau.

DC Logan stated I could go on if you want me to.

Comm. Okdie stated what he would like to do is proceed with the meeting and meet with DC Logan after or before the next meeting. So that he can get a synopsis of what the program is and be brought up to speed.

DC Logan stated yes sir that will not be a problem.

Chairperson Ramirez stated that she is looking forward to it because dealing with citizen complaints we want the Risk Management program to move forward. As part of the Consent Decree the monitor wanted us to send out a letter saying it is sustained, but to also put a finding in that letter. The current process does not us to get that report back.

DC Logan stated that we are going to continue to meet on some of the problems you have talked about. We have also discussed how you can tie into our IMAS system.

Chairperson Ramirez stated for the concerns of the citizens we need to work together.

DC Logan stated that on of the things that we have discussed is verbal confrontation and that's a part of our curriculum that we teach in a course called Verbal Juno. Most confrontation starts when people begin to call each other bad names. What we are trying to do is get to the root of these calls.

Chairperson Ramirez stated so are we, our mission is the same.

Comm. Okdie stated that he is not familiar with how the program is constructed, asked is an education component with regards to the issue of mental health. How do officers identify or the lack of identification of those issues in which we perpetrate some of these incidents.

DC Logan stated yes sir. During the next two weeks the Mental Health Department will be discussing bi-polar as well as the homeless issues. I will get you more information on this.

Comm. Okdie stated to DC Logan that he sits on the Mental Health Board. As a member of that Board the agency gave a grant for training purposes to the Wayne County Sheriffs to sensitize them to the mentally ill and to help them identify some of those issues. It will help them to reduce some of those things that you are talking about. If there is anything that I can do to help facilitate in that area I will be more than glad to.

DC Logan stated that the gentleman he's been dialoguing with is Larry Karzara of the North East Guidance Center. We have an in-service training on September 15, 2005 on the subject that you are talking about.

Comm. Okdie stated that's one of the comprehensive agencies within the city.

DC Logan stated that is correct.

7. REQUEST TO APPLY FOR GRANT

The Automotive Theft Prevention Authority (ATPA) has offered the DETROIT POLICE DEPARTMENT'S AUTO THEFT UNIT an opportunity to apply for grant renewal. The ATPA awards grants to programs that focus on various aspects of Michigan's auto theft problem. Funding for this purpose comes from assessments paid by insurance companies to the ATPA. Due to the limited amount of funds available, **a 25% cash match is required.**

MOTION: **Comm. Blackwell** made the motion to approve the above minutes.

SECOND: **Comm. Okdie** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chief Bully-Cummings stated that the City of Detroit had placed 10th in the country for stolen vehicles and as of yesterday we placed 15th.

Lt. Ennis stated that those figures are for 2004. Those figures do not reflect the changes when we cancelled out telephone calls. At the end of June our auto theft rate is about thirty percent less than it was at the same time last year. What we anticipated by the end of 2005 we may drop off their radar list. We have received a Grant from State Farm and have partnership with a number of other non-profit organizations.

Chairperson Ramirez stated I am sure that it helped, before the citizens were calling and reporting it over the telephone.

Lt. Ennis stated that's correct the incidents of fraudulent reports were very high. We estimated roughly twenty to twenty five percent of the reports were fraudulent.

Chairperson Ramirez stated the she is very proud of the Detroit Police Department who recovered her vehicle very quickly.

Comm. Blackwell stated the fact that the calls were fraudulent was artificially raising the number.

Lt. Ennis stated correct sir.

Comm. Blackwell stated that the actual numbers are more realistic in terms of the cars that are being stolen. That number reflects the number we should been at in the beginning.

Lt. Ennis stated correct sir.

Comm. Blackwell stated that one of the issues with auto theft is that the number does have an impact on your insurance rate.

Chief Bully-Cummings stated yes it does.

Comm. Blackwell stated so this should reduce the insurance rates. It's logical isn't it?

Chief Bully-Cummings stated it's logical but we are the City of Detroit.

Comm. Blackwell stated ok it's not based on insurance rates. I need to know because that information that somebody needs to be armed with when they go to the legislature. The auto theft is down thirty percent but the auto rates are the same. Then you will have a real argument about red lining. Because now you have hard numbers to show that they were using these artificially high numbers. Is it reported to the insurance company from where it is stolen from or where it is registered?

Chief Bully-Cummings stated where it is stolen. If you look at the 48226 zip code you will see a high number of reports from people that don't live in the City of Detroit.

Comm. Blackwell stated that now those people could call or do they have to come in-person.

Chief Bully-Cummings stated that everybody has to come in-person to make a stolen vehicle report. The Affidavit of Law that they sign acts as a written documentation for the insurance company and can be used against the individual's.

8. OTHER BUSINESS

Chairperson Ramirez asked the chief if she has any other business that she would like to discuss, do you want to give any insight on the reorganization of the Police Department.

Chief Bully-Cummings stated that within the next four to five days there will be an announcement. The City Council has imposed a Fifty-Four Million dollar budget reduction and there will be layoffs. We have been working to try and find sufficient in the department to limit the number of officers that will be laid off. I want to encourage the officers to continue to do the quality work and maintain the professionalism that they have always had. I know that there are officers who fill like their lives are in limbo. I just want them to know as the Chief and senior management of the department we are doing all that we can to minimize the number of layoffs that will occur.

Comm. Okdie asked the Chief if there an organizational chart available for people to look at and can I have a copy.

Chief Bully-Cummings stated that the current organizational chart for the police department is on the internet and the intranet. If you would like we can get you a copy of the current one.

Chairperson Ramirez stated that Comm. Blackwell have joined the Board.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, September 1, 2005 @ 3:00 p.m.
Police Headquarters, Room 328-A
1300 Beaubien
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

Odell Johnson stated that he had previously brought a complaint to the Board. The Board had directed someone from OCI to get in touch with him and has not done so. It has been almost a hundred days.

Interim Chief Sheard stated that Mr. Johnson case has been assigned to a supervisor who has been having dialogue with him.

Comm. Blackwell asked since our last meeting?

Interim Chief Sheard stated correct.

Odell Johnson stated that no one has talked to him since May 19 of 2005.

Comm. Blackwell asked Mr. Johnson, if he recognize Supervisor A.C. Cromwell.

Odell Johnson stated yes I do.

Sup. Cromwell stated that he has spoken to Mr. Johnson at least ten or more since he appeared before the Board in May of 2005.

Odell Johnson stated that was not true.

Comm. Blackwell asked have you talked to him this year?

Odell Johnson stated yes but not since May 19, 2005.

Chairperson Ramirez asked has there been a conversation?

Odell Johnson stated no there has not.

Sup. Cromwell stated in addition to Mr. Johnson's complaints that he has filed, all of his complaints have been closed and he has been sent a finding letter.

Chairperson Ramirez asked have you received a finding?

Odell Johnson stated no otherwise I would have taken the matter to Channel 2 News.

Comm. Blackwell asked personnel of OCI if they have a finding letter in the office.

Interim Chief Sheard stated that all letters of findings are in the file.

Comm. Blackwell asked can you make sure he gets a copy and can I have one?

Chairperson Ramirez stated that we will take care of that after the meeting is over.

Ms. Walters stated she wanted to welcome to Comm. Okdie to the Board. I have a question about receiving a parking ticket when there was no ticket on your car. I tried to request a hearing because I want to face the person who accused me of false parking.

Chief Bully-Cummings stated that is the parking enforcement division.

Ms. Walters stated where do I go for that over on Fort Street because they do a song and dance too.

Chief Bully-Cummings stated those are the ones who issued the parking tickets. When you go over there ask for a copy of the ticket.

Comm. Blackwell stated don't police officers write parking tickets too. Parking enforcement are not the only one who writes tickets.

Ms. Walters stated she will go and request a hearing.

11. ADJOURNMENT

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/rb